APPENDIX

PERTINENT PROVISIONS OF THE CHARTER OF THE CITY OF SAN BERNARDINO, CALIFORNIA

LEGISLATIVE DEPARTMENT

The Common Council

Section 30. The legislative power of the City is hereby vested in the Common Council consisting of five members, three of whom shall constitute a quorum, but a less number may adjourn from time to time, or compel the attendance of other members. No order, except to adjourn for a lack of a quorum, or to compel the attendance of a quorum, and no Ordinance, or Resolution shall be valid unless it receives the affirmative vote of three councilmen.

ORDINANCES AND RESOLUTIONS

Section 31. Ordinances and Resolutions are the formal acts of the Council reduced to writing and passed under legal restrictions governing action thereon; orders embrace all other acts which being less formal in character require only to be duly passed by the Common Council and spread upon the minutes. No Order, Resolution, or Ordinance shall have effect without the approval of the Mayor, except when four members of the Common Council concur in its adoption. In case of orders, the approval of the Mayor shall be presumed unless at the same meeting at which the order is passed, the Mayor causes his disapproval, with his reasons therefor, to be spread upon the minutes. All Resolutions and Ordinances after passage must be

submitted to the Mayor who shall, within five days after he has received the same, endorse his approval, or disapproval thereon, giving the reason for his disapproval. No Ordinance or Resolution shall be placed upon its final passage in the Common Council upon the same day that it has been introduced and read in full the first time, nor until five days thereafter; and every Ordinance or Resolution to be valid must be passed by a vote of not less than three councilmen and approved by the Mayor, provided that if the Mayor fails to approve the same it may be passed by a vote of not less than four councilmen, and shall take effect as if approved by the Mayor.

Section 32. The enacting clause of all Ordinances shall be: "The Mayor and Common Council of the City of San Bernardino do ordain as follows."

Section 33. All Ordinances, before taking effect, shall be published at least for three consecutive days, exclusive of holidays, in some daily newspaper printed and published in the City of San Bernardino.

INITIATIVE AND REFERENDUM

Section 120. Any proposed Ordinance may be submitted to the Common Council by a petition signed by qualified and registered electors of the City equal in number to the percentage hereinafter required. The signatures of the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and such other identification as may be required by the registration law. One of the signers of each such papers shall make oath before an officer qualified to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine

signature of the person whose name purports to be there-unto subscribed. Within ten days from the date of filing such petition, the City Clerk shall examine and from the great register ascertain whether, or not, said petition is signed by the requisite number of qualified electors and if necessary, the Council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the results of said examination. If, by the Clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The Clerk, shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient the Clerk shall submit the same to the Council without delay.

If the petition accompanying the proposed Ordinance be signed by electors equal in number to thirty per cent of the entire vote cast for all candidates for Mayor at the last preceding City election at which a Mayor was elected, and contains a request that said Ordinance be submitted forthwith to a vote of the people at a special, or general municipal election, then the Council shall either:

(a) Pass such Ordinance without alteration within twenty days after the attachment of the Clerk's certificate of sufficiency to the accompanying petition (subject to the referendary vote), and if the Ordinance shall be passed by the Council, but shall be vetoed by the Mayor, and on re-consideration shall fail of passage by the Council, then, within five days after determination that said Ordinance shall have so failed

of final adoption, the Council shall proceed to call a special election at which said Ordinance, without alteration, shall be submitted to a vote of the people; or

(b) Forthwith after the Clerk shall attach to the petition accompanying such Ordinance his certificate of sufficiency, the Council shall proceed to call a special election at which said Ordinance, without alteration, shall be submitted to a vote of the people.

The ballots used when voting upon said proposed Ordinance, shall contain the words "For the Ordinance," (stating the general nature of the proposed Ordinance) and "Against the Ordinance," (stating the general nature of the proposed Ordinance). If a majority of the qualified electors voting on said proposed Ordinance shall vote in favor thereof, such Ordinance shall thereupon become a valid and binding Ordinance of the City; and any Ordinance proposed by petition, or which shall be adopted by a vote of the people, cannot be repealed or amended except by a vote of the people obtained in like manner.

Any number of proposed Ordinances may be voted upon at the same election, in accordance with the provisions of this section; provided that there shall not be held under this section of the Charter more than one special election in any period of twelve months.

THE REFERENDUM

Section 121. No Ordinance passed by the Common Council (except when otherwise required by the general laws of the state, or by the provisions of this Charter, respecting street improvements and except an Ordinance for the immediate preservation of the public peace, health, or safety, which contains a statement of

its urgency, and is passed by a two-thirds vote of the Council, but no grant of any franchise shall be construed to be an urgency matter, but all franchises shall be subject to the referendary vote herein provided) shall go into effect before thirty days from the time of its final passage and its approval by the Mayor; and if during said thirty days a petition signed by electors of the City equal in number to at least thirty per cent of the entire vote cast for all candidates for Mayor at the last preceding city election at which a mayor was elected, protesting against the passage of such Ordinance, be presented to the Council, the same shall thereupon be suspended from going into operation, and it shall be the duty of the Council to reconsider such Ordinance, and if the same is not entirely repealed, the Council shall submit the Ordinance proposed to the vote of the electors of the city either at the next general municipal election or at a special municipal election to be called for that purpose, and such Ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same, shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of the first section of this article (The Initiative) and shall be examined and certified by the Clerk in all respects as therein provided.

PERTINENT SECTIONS OF CALIFORNIA COMMUNITY REDEVELOPMENT LAW (HEALTH AND SAFETY CODE SECTION 33000 et seq.)

SECTION 33562. Public Hearing. Before passing upon the tentative plan, the legislative body shall set a time and fix a place for a public hearing on its adoption.

SECTION 33563. Publication of notice of hearing. Notice of the hearing shall be published not less than once a week for three successive weeks prior to the date of hearing. The notice shall be by publication in a newspaper of general circulation, printed and published in the community, or if there is none, a newspaper selected by the legislative body.

SECTION 33564. Contents of notice. The notice of hearing shall include a legal description of the boundaries of the area or areas designated in the tentative plan and a general statement of the scope and objectives of the plan.

SECTION 33565. Hearing. At the hearing the legislative body shall:

(a) Consider the report of the agency and the recommendation and report of the planning commission.

(b) Provide an opportunity for all interested persons or agencies to be heard and receive and consider written communications with reference to the tentative plan.

(c) Take other evidence and testimony presented concerning the matters under consideration.

SECTION 33568. Action of legislative body; modification, approval, or rejection of plan. After the hearing the legislative body shall:

(a) Determine whether the redevelopment of the project area pursuant to this part is in the public interest and tends to effectuate the purposes and policy of this part.

(b) Approve or reject the tentative plan or any alternative plan, or modify either and approve or reject it as modified.

SECTION 33571. Contents of ordinance approving plan. The ordinance shall include:

(a) A legal description of the boundaries of the project area.

(b) A statement of findings, based upon surveys, investigations, and reports of public agencies, and any other information, showing the extent and character of blight, obsolescense, and substandard conditions in the area and their injurious and detrimental effects upon the public health, safety, and general welfare.

(c) The tentative plan for the redevelopment of the project area, showing the principal features of the master plan or general community plan as they apply to the project area.

SECTION 33733. Ordinance adopting plan. If the legislative body determines that the redevelopment plan conforms to the master or general plan of the community, that it is economically sound and feasible, and that the carrying out of the plan would promote the

public peace, health, safety, and welfare of the community and would effectuate the purposes and policy of this part, by ordinance adopted by a majority vote of all the members it may adopt the plan as the official redevelopment plan for the project area

SECTION 33742. Approval of plan by ordinance; contents of ordinance. The approval of a redevelopment plan by a legislative body shall be by ordinance. The ordinance shall:

(a) Contain a legal description of the boundaries of the project area covered by the redevelopment plan.

(b) Set forth the purposes and intent of the legislative body with respect to the project area.

(c) Refer specifically to the determinations required in other sections of this article.

(d) Contain by reference to maps, reports, and other information the full details of the approved plan.

(e) Designate the approved plan as the official redevelopment plan of the project area.

SECTION 33746. Judicial review of findings and determinations; limitations. The findings and determinations of an agency and of a legislative body or of either of them, in the adoption and approval of any redevelopment plan may be judicially reviewed by a court of competent jurisdiction. Such action must be brought within 60 days after the date of adoption of the ordinance approving the plan. No action shall be brought prior to the adoption of the final redevelopment plan.